



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Kelly Napolitano,  
Clerk 4 (PM2336T), Township of  
Brick

CSC Docket No. 2019-3430

List Revival

**ISSUED: June 14, 2019 (VJ)**

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The Township of Brick requests the revival of the list for Clerk 4 (PM2336T) to allow for the retroactive permanent appointment of Kelly Napolitano, effective January 1, 2019.

By way of background, the examination for Clerk 4 (PM2336T) was announced with a closing date of November 21, 2015. The resulting eligible list of five names, including Napolitano as the second ranked non-veteran eligible promulgated on March 17, 2016 and expired on March 16, 2019. Two certifications were issued which resulted in the appointment of the first and third ranked non-veteran eligibles.

On appeal, the appointing authority argues that it provisionally appointed Napolitano to the title of Clerk 4 effective January 1, 2019. However, it notes that it did not record the appointment in CAMPS until March 20, 2019. It maintains that as the subject eligible list had expired on March 16, 2019, it was unable to request a certification to appoint Napolitano. Therefore, it requests that the subject eligible list be revived and Napolitano receive a retroactive permanent appointment effective January 1, 2019

The Division of Agency Services indicates its agreement with the appointing authority's request to revive the subject eligible list, to allow for the appointment of Napolitano.

## CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission (Commission) in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause.

In the instant matter, the subject eligible list expired on March 16, 2019. Therefore, once Napolitano's provisional appointment was recorded in CAMPS, the Commission initiated promotional examination procedures.<sup>1</sup> However, had the appointing authority timely recorded Napolitano's January 1, 2019 provisional appointment in CAMPS or had the appointing authority requested a certification prior to the expiration of PM2336T eligible list, Napolitano would have been reachable for appointment. Consequently, good cause exists to revive the subject eligible list so that Napolitano may be appointed to the title of Clerk 4. Moreover, upon her successful completion of a current working test period, Napolitano shall be provided with a retroactive date of regular appointment to January 1, 2019, for salary step placement and seniority based purposes only

## ORDER

Therefore, it is ordered that this request be granted and the eligible list for Clerk 4 (PM2336T), Township of Brick be revived to effectuate the appointment of Kelly Napolitano. It is also ordered that upon successful completion of a current working test period she be given a retroactive date of permanent appointment of January 1, 2019, for salary step placement and seniority based purposes only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 12<sup>TH</sup> DAY OF JUNE 2019



Deirdre L. Webster Cobb  
Chairperson

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<sup>1</sup> It is noted that as a result of the instant request the announcement of a new promotional examination was placed on hold pending this decision.

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